

BILL ANALYSIS

C.S.H.B. 517
By: Pitts
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A recent study shows that an offender who has repeatedly committed the offense of driving while intoxicated or certain other intoxication offenses, and is therefore serving a sentence for a felony offense, serves on average as little as 10 to 15 percent of the time to which the offender was sentenced before becoming eligible for parole. Interested parties assert that it is important to require such a repeat offender to serve more of the sentence. C.S.H.B. 517 seeks to further deter such offenses by modifying the parole and mandatory supervision eligibility of inmates convicted of certain intoxication or alcoholic beverage offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 517 amends the Government Code to make an inmate serving a sentence of 25 years or more for an intoxication or alcoholic beverage offense ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event less than two calendar years.

C.S.H.B. 517 reenacts and amends Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, to prohibit the release to mandatory supervision of an inmate who is serving a sentence for or who has been previously convicted of an intoxication or alcoholic beverage offense for which the inmate received a sentence of 25 years or more.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 517 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 508.145(d)(1), Government Code, is amended to read as follows:	SECTION 1. Section 508.145(d)(1), Government Code, is amended to read as follows:

(d)(1) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), or (K), Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or for an offense under Section 20A.03, Penal Code, or for an offense punished under Section 49.09(b), Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 2. Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

- (1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;
- (2) a first degree felony or a second degree felony under Section 19.02, Penal Code;
- (3) a capital felony under Section 19.03, Penal Code;
- (4) a first degree felony or a second degree felony under Section 20.04, Penal Code;
- (5) an offense under Section 21.11, Penal Code;
- (6) a felony under Section 22.011, Penal Code;
- (7) a first degree felony or a second degree felony under Section 22.02, Penal Code;
- (8) a first degree felony under Section 22.021, Penal Code;
- (9) a first degree felony under Section 22.04, Penal Code;
- (10) a first degree felony under Section 28.02, Penal Code;
- (11) a second degree felony under Section 29.02, Penal Code;
- (12) a first degree felony under Section 29.03, Penal Code;
- (13) a first degree felony under Section

(1) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), or (K), Article 42.12, Code of Criminal Procedure, or for an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or for an offense under Section 20A.03, Penal Code, or serving a sentence of 25 years or more for an offense under Chapter 49, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 2. Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) An inmate may not be released to mandatory supervision if the inmate is serving a sentence for or has been previously convicted of:

- (1) an offense for which the judgment contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure;
- (2) a first degree felony or a second degree felony under Section 19.02, Penal Code;
- (3) a capital felony under Section 19.03, Penal Code;
- (4) a first degree felony or a second degree felony under Section 20.04, Penal Code;
- (5) an offense under Section 21.11, Penal Code;
- (6) a felony under Section 22.011, Penal Code;
- (7) a first degree felony or a second degree felony under Section 22.02, Penal Code;
- (8) a first degree felony under Section 22.021, Penal Code;
- (9) a first degree felony under Section 22.04, Penal Code;
- (10) a first degree felony under Section 28.02, Penal Code;
- (11) a second degree felony under Section 29.02, Penal Code;
- (12) a first degree felony under Section 29.03, Penal Code;
- (13) a first degree felony under Section

30.02, Penal Code;
 (14) a felony for which the punishment is increased under Section 481.134 or Section 481.140, Health and Safety Code;
 (15) an offense under Section 43.25, Penal Code;
 (16) an offense under Section 21.02, Penal Code;
 (17) a first degree felony under Section 15.03, Penal Code;
 (17-a) an offense punished under Section 49.09(b), Penal Code;
 (18) an offense under Section 43.05, Penal Code; [Ø]
 (19) an offense under Section 20A.02, Penal Code; or
 (20) [~~(18)~~] an offense under Section 20A.03, Penal Code.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. To the extent of any conflict, Section 2 of this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. This Act takes effect September 1, 2013.

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 (15) an offense under Section 43.25, Penal Code;
 (16) an offense under Section 21.02, Penal Code;
 (17) a first degree felony under Section 15.03, Penal Code;
 (17-a) an offense under Chapter 49, Penal Code, for which the inmate received a sentence of 25 years or more;
 (18) an offense under Section 43.05, Penal Code; [Ø]
 (19) an offense under Section 20A.02, Penal Code; or
 (20) [~~(18)~~] an offense under Section 20A.03, Penal Code.

SECTION 3. Same as introduced version.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

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